

***Application for Resource Consent in
accordance with Schedule 4 of the
Resource Management Act 1991***

24 May 2023

***Prepared by Darryl Sycamore
Terramark Limited
PO Box 235, Dunedin
c: 021 1255554
e: darryl@terramark.co.nz
www.terramark.co.nz***

Surveying, Planning and Engineering Consultants

DUNEDIN
03 477 4783

dunedin@terramark.co.nz

MOSGIEL
03 489 7107

mosgiel@terramark.co.nz

BALCLUTHA
03 418 0470

balclutha@terramark.co.nz

24 May 2023

Resource Consents Manager
Gore District Council
29 Bowler Avenue
Gore 9710

Dear Sir/Madam

Re: Resource Consent Application – 29 Hamilton Street, Gore

On behalf of Kāinga Ora- Homes and Communities, we submit for consideration by your Council an application to subdivide the site at 29 Hamilton Street, Gore.

Please find enclosed the following documents:

1. Assessment of Environmental Effects
2. Terramark Plan 'Proposed Subdivision of 29 Hamilton Street' dated 17 May 2023
3. Terramark Topographic Surveys
4. ENGEO Preliminary and Detailed Site Investigation
5. Geosolve Preliminary Geotechnical Report dated May 2022
6. Record of Title 366119 and relevant easement instruments

The applicant's details for invoicing and monitoring are:

Kāinga Ora- Homes and Communities
Carmen Knobloch
PO Box 2628
Wellington 6140
e: carmen.knobloch@kaingaora.govt.nz
c: 021 240 6896

All subdivision associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited
Level 1 330 Moray Place
Dunedin 9016

Attention: Darryl Sycamore
Phone: 03 477 4783
Email: darryl@terramark.co.nz

Yours faithfully
Terramark Ltd



Darryl Sycamore
Resource Management Planner

Subdivision Application 29 Hamilton Street, Gore

Kāinga Ora – Homes and Communities (herein referred to as Kāinga Ora) propose to establish a 24-unit community residential development on the site at 29 Hamilton Street, Gore. This subdivision application is to be read in conjunction with the land use consent applications prepared by Planz Consultants submitted to Council on 22 May 2023.

This report provides an assessment of the subdivision component of the proposed development, however there will be some duplication owing to the cross-over between the subdivision and land use activities.

Pre-application Meeting

A formal pre-application meeting was held with Council staff at the Council officers on 25 January 2023 where the initial concept was presented and discussions were held on density, transport matters, servicing, and flooding. Further discussions were held with Council staff via Teams on 20 February and 26 April 2023 where the amended proposal was presented to staff and feedback sort on the scale and design of the proposal as well as transport, servicing and flooding matters. The submitted plans seek to incorporate, as far as practicable, the feedback received from Council staff.

Existing Title Structure

The property is legally described as Lots 9 & 10 Deposited Plan 1219 and Lot 3 Deposited Plan 391234, together held in Record of Title 366119. The site has an area of 7,683m², and is in the name of Housing New Zealand Limited. The site has legal and physical access directly to Hamilton Street, and also via a Right of Way to Oxford Street.

There are a number of easements and encumbrances on the Record. These are discussed below.

Site Description

The subject site is comprises three parcels of land at 29 Hamilton Street, Gore (shown in Figure 1 below) and is located approximately 1.25 km northeast of central Gore.



Figure 1 – The subject site relative to the wider environment

The site is currently a vacant lot, although until recently it was the Longford Tavern, Bottle-store and Function Centre, and associated carparking. This included more than 50 marked car parking spaces and had vehicle access from both Hamilton Street and Oxford Street. The nearest waterway is the Mataura River, located approximately 225m west of the site and is shown to the left of Figure 1.

The site is considered relatively flat with a slight natural fall towards the south-west boundary at a grade of less than 1%. The contours within the site range from 73.0m to 73.5m (NZ vertical datum). The site is generally at the same level as Hamilton Street.

The existing three titles were created by a subdivision consent approved in August 2006 (SC10/2006). A land use consent was granted in December 2012 to erect a 7.5m high guitar structure on the site (LU2012/30).

Proposal

Following the demolition of the Woodside Tavern, the site has been cleared and is now a vacant lot. It is now proposed to redevelop the site and establish a community housing development comprising 24 social housing units. This is illustrated in the scheme plan as Figure 2 below, and will include-

- 7 x 1-bedroom units,
- 10 x 2-bedroom units,
- 4 x 3-bedroom units,
- 2 x 4-bedroom units, and
- 1 x 5-bedroom unit.

Of these, 16 units will be in the form of a duplex, sharing a common wall to maximise the available use of space for landscaping and outdoor living as shown below in Fig. 2.



Figure 2 – Proposed scheme of development

Access will either be directly via the new road formation Lot 100 for Lots 2-15 and 22, 23. Lots 1 and 24 will enjoy access directly from Hamilton Street and Lots 16-21 will be via the Right of Way from Oxford Street. For clarity, Lot 102 will include that land south of proposed Lot 16 and between proposed Lots 20 and 21; although it will not form part of the easements held as Areas 'RB' and 'RD'.

Thirty on-site car parking spaces will be provided. Each unit will be provided with at least one car parking space including their own access and vehicle crossing. Proposed Lots 1, 2, 3, 12, 14 & 24 will each be provided with two parking spaces.

Eighteen lots will be served by a new vested cul-de-sac road from Hamilton Street. This will include a 6.0m carriageway width (kerb to kerb) set within an 11.0m reserve. A 1.4m footpath will be provided along both sides. The cul-de-sac bulb has a diameter of 19m (kerb to kerb) and will be designed to accommodate a 8m rigid truck. The remaining six lots will be served from an existing right-of-way (ROW) from Oxford Street. This will include a minimum trafficable width of 6.0m and a footpath along one side. A hammerhead turning design is provided at the far end which is best illustrated in Figure 3 below.

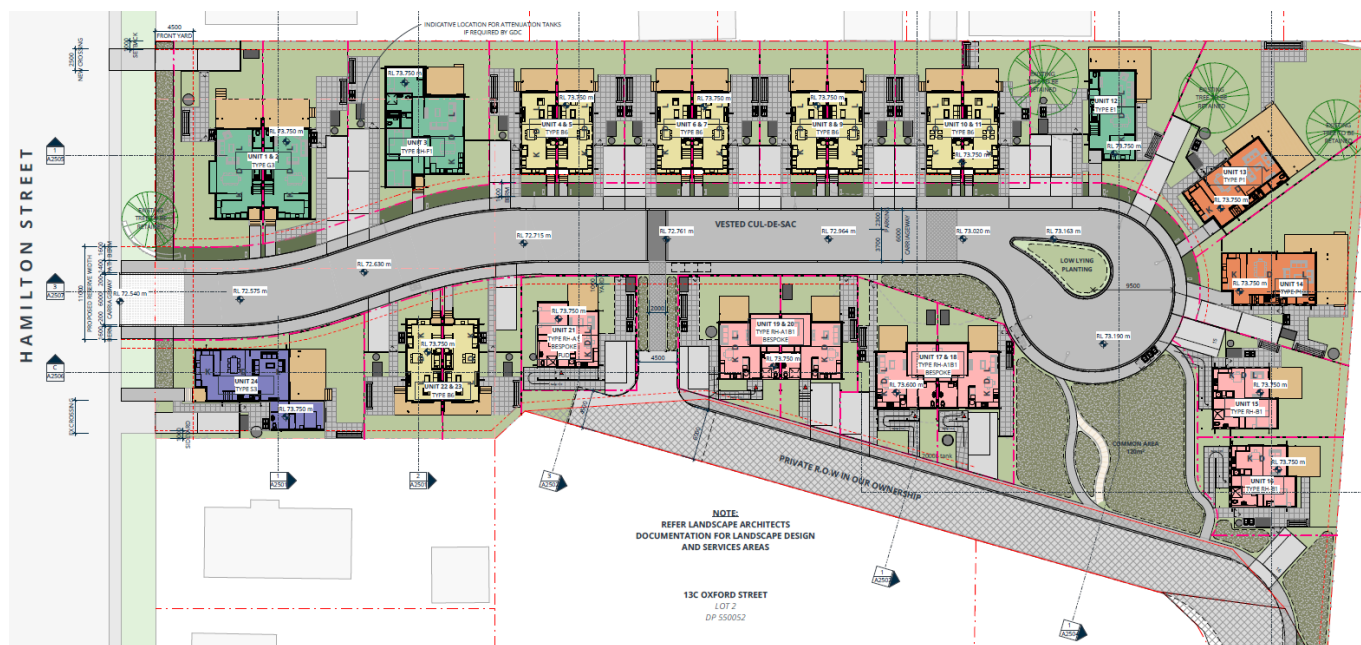


Figure 3 – Development design

A number of new easements will be required for the development. These are described in the attached Scheme Plan and provide for party wall rights and rights of way.

With respect to services, it is proposed a new water and four sewer main line will run within the new road reserve against the proposal carriageway. It is intended this common infrastructure will be vested in Council. Each new unit will be served by independent services and will connect to those mains within the road reserve.

Reasons for Application

Hamilton Street is zoned Residential Zone A under the Gore District Plan.

Rules

The proposal has been sought on the basis the subdivision will be a separate application to the land use consent which relates to the development and relevant land use breaches. Consent is sought for subdivision which breaches the minimum lot size standards of 400m². Matters of density are addressed in the application by Planz Consultants.

Chapter 8 of the District Plan sets out the relevant standards for subdivision. Rule 8.10.4(c) requires any subdivision within the Residential Zone A to have a minimum area of 400m².

Council will limit the exercise of its discretion to the following matters:

- (i) suitability of the allotments for activities permitted within the zone in which they are located;
- (ii) suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;
- (iii) ability to provide services (water, sewage, storm water, power and telecommunications);
- (iv) impacts on the Council and other infrastructure services;
- (v) future use of the land and the need to consider any associated resource consents;
- (vi) within residential and rural areas lot size, dimensions and potential for future subdivision of the land;
- (vii) within residential and rural areas the desirability of providing building platforms;
- (viii) provision of easements;
- (ix) impacts on any heritage or archaeological values;
- (x) impacts on natural features and landscapes, ecological or cultural values
- (xi) impacts water quality, including groundwater, and
- (xii) provision of all transport modes, including the movement of pedestrians and cyclists.

Any subdivision of land that does not comply with the provisos of Rules 8.10.4(b-d) is a discretionary activity.

In accordance with Rule 8.10.5, the proposed subdivision is a **discretionary** activity.

Council may however exercise their discretion in accordance with the relevant policies of a regional plan, regional policy statement, any relevant NES and the RMA (in particular Part 2 matters). If the resource consent is granted the council can set any conditions that fall within the Council 's powers under Section 108 of the RMA.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken.

Clause 5 sets out that the NES applies when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8). A Preliminary and Detailed Site Investigation was carried out by ECOTAGO Limited with ENGEOTAG Ltd. A copy of that report is appended to this application. Based on the DSI, the application sites are considered a 'piece of land' as described in regulation 5(7).

Following the initial findings, further sampling was carried out to determine the full extent of the soil contamination from historical land use on the site or the release of contaminants from uncontrolled fill. Elevated heavy metals when compared to the specified human health criteria have been identified and as such the change in land use is considered 'reasonably likely to harm human health' and therefore the redevelopment is subject to Change in Land Use under Regulation 5(6) of the NES.

With regards to the above, it is noted that the proposal results in a change of use of the site to residential and the proposed subdivision, which is the subject of a separate resource consent application that will be processed concurrently. The proposal therefore requires resource consent as a **controlled activity** under Regulation 9(3) of the NES-SC.

Clause 8 (4) sets out permitted activities for subdividing land or changing the use of a 'piece of land' where the following conditions are met:

- a) a preliminary site investigation of the land or piece of land must exist:

- b) *the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:*
- c) *the report must be accompanied by a relevant site plan to which the report is referenced:*
- d) *the consent authority must have the report and the plan.*

The change in land use and subdivision are unable to meet the permitted activity standards under Regulation 8(4) of the NES and will therefore require consent as a **controlled activity** under Regulation 9 of the NES.

As the NES captures subdivision, the respective change of use and earthworks there is some overlap between the subdivision application and the land use consent applications which will be submitted to Council as separate documents. Consent for a breach of the NES for subdivision, the change of use and the earthworks will be required.

There are no other National Environmental Standards triggered by this application.

Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

The application is assessed as a **discretionary activity** overall.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 104(1)(a) requires consideration of the effects of the activity. The following assessment of effects on the environment is carried out on the basis that the environment is characterised as low to medium density housing within Gore.

The actual and potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons.

Permitted baseline and receiving environment

Under sections 95D(b), 95E(2)(a) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect.

The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan. The permitted baseline, which applies to permitted activities on the subject site, removes the effects of those activities from consideration under ss95D, 95E and 104(1)(a) of the RMA. However, an activity which is permitted but "fanciful" (or purely hypothetical) should not be considered part of the permitted baseline¹.

¹ Smith Chilcott Ltd v Auckland City Council [2001]

Whilst there is no permitted baseline for subdivision given complying subdivisions are restricted discretionary activities, it is likely that a restricted discretionary subdivision that meet the relevant performance standards would normally be granted consent on a non-notified basis. In this case, a 19-lot subdivision would presumably be a straightforward application. Consent is sought for a 24-lot development with a focus on strong design principles to offset the total site area shortfall. Putting aside the minimum site size shortfall, each new lot and resultant dwelling will enjoy strong design elements to ensure a vibrant community feel.

With respect to the NESCS, the proposal will breach the standards. Permitted activity condition 3(c) allows for the volume of soil to be disturbed to be no more than 25m³ per 500m² and condition 3(d)(ii) allows requires that a maximum of 5m³ per 500m² of soil be taken away per year. In this case, whilst these thresholds will be exceeded the permitted baseline provides some guidance. With regards to the above (and taking into account the site area of 7,683m²), the NES allows 384.1m² of soil to be disturbed as a Permitted Activity, and for 77m³ of soil to be removed for disposal per year.

It is those effects arising from the proposal, beyond the permitted baseline that are the crucial elements for consideration, and which help form the basis of this assessment of effects. In this case, the proposal will not look out of balance with the surrounding area and receiving environment.

Lot Size and Shape and Physical Limitations

The proposed subdivision seeks to subdivide the site into 24 lots each in their own Record of Title for residential use. Three additional lots will be created to support the development being-

- Lot 100, comprising 1,621m² to vest with Council as road,
- Lot 101, comprising 381m² as shared community reserve either vested in Council or held in the ownership of the applicant, and
- Lot 102 being the Right of Way and Right to Convey Services linking the subject site to Oxford Street. This lot will be held in six undivided shares for those new lots that will rely on that land, with existing rights for unrelated properties being retained in perpetuity.

Development intensification will breach the Residential A zone performance standards on the basis that density is controlled by virtue of a minimum lot size of 400m². In this case the site is 7,683m² which provides for up to 19 lots. Consent is sought to breach the overall minimum site size creating 24 new lots for residential use. The form and design of the proposal as a community housing project has been carefully considered to ensure the density breach is largely imperceptible in terms of effects. Development intensification limit is exceeded but has been designed to provide a balanced building design relying on duplex spanning two sites, with a strong emphasis on functionality and landscaping.

While the subdivision is a discretionary activity due to the minimum site size breach, it is my view the proposal seeks to create an environment with a strong community feel where the design elements will mitigate the effects of the area shortfall. From a visual or functional perspective, the area shortfall will not impact the community. As a community housing project, the performance standards are, to some extent, not an ideal mechanism to determine the suitability of the layout. Crucially, had the proposal been assessed as a unit-title development, the consenting pathway would adopt a less stringent approach. A unit-title development is however not considered a suitable model for the proposed community housing project.

Whilst the project is unusual, if not unique in the Gore District, the proposal is considered compatible with other development in the area. Each proposed lots will have sufficient area for outdoor living, service areas and car parking manoeuvring and opportunity to utilise the reserve. Overall, it is my view the proposal will fit within the environment comfortably.

Easements

A number of easements are existing and a number are proposed. With respect to the existing easements, only one is immediately relevant to the proposal and is discussed below.

The existing Easement Instrument 7567565.2 provides a Right of Way burdened against Lot 2 Deposited Plan 539188 for the benefit of the subject site being Lot 3 Deposited Plan 366119. The same instrument provides for the Right to convey electricity and telecommunications and water, and the Right to Drain stormwater and sewage for the benefit of Lot 3 Deposited Plan 391234. For clarity, the instrument does not provide the same rights to the regular parcels Lot 9 & 10 DP1219 also held by Housing New Zealand which must either obtain access directly to Hamilton Street or via Lot 3 onto the easement.

In relation to the new residential units, new party wall easements will be required. Where the boundaries coincide with the centre of a wall between units, party wall easements 'A' to 'P' will be duly created and are illustrated on the Scheme Plan appended to this application.

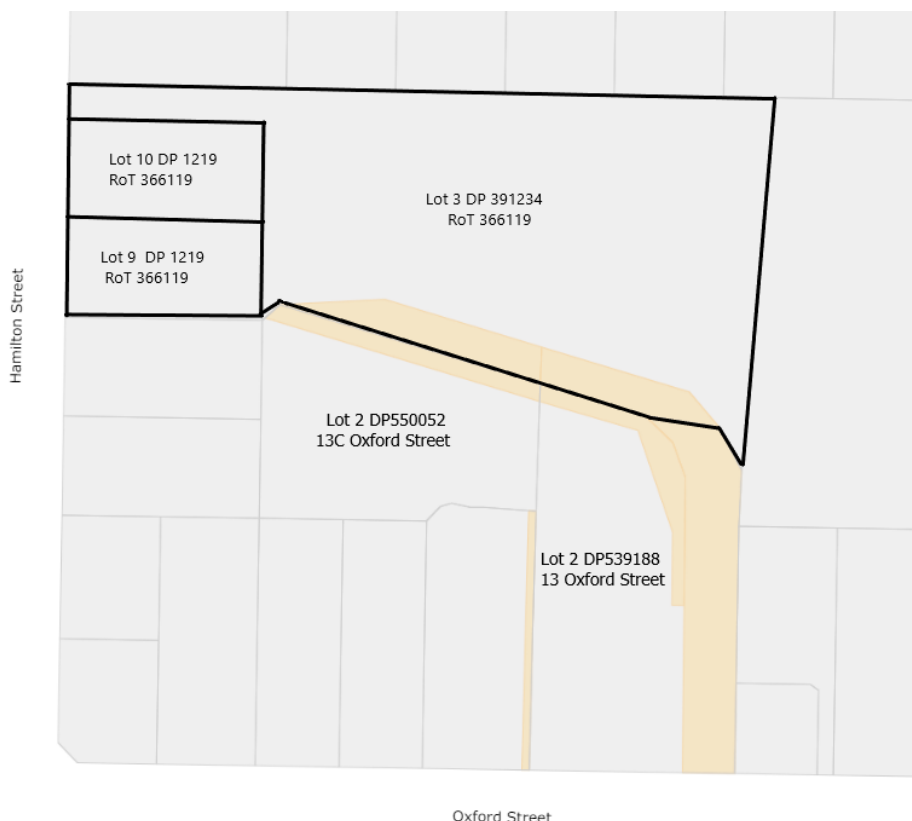


Figure 4 – Existing Easements Benefiting the Site

With respect to Proposed Lot 102, being the Right of Way within the subject site providing access to Oxford Street, an amalgamation condition will be required and shall read as-

"That Lot 102 Hereon be held as to six undivided shares by the owners of Lots 16 - 21 (1/6 share each) hereon as tenants in the said shares and that an individual record of title be issued in accordance therewith. See (LINZ Reference)"

With respect to Lot 2 DP539188 being #13 Oxford Street the Right of Way is burdened against their land and can continue to use the easement area for access. For Lot 2 DP550052 being #13C Oxford Street, their rights over Proposed Lot 102 will remain in perpetuity and will be unaffected by the development.

It is also appropriate to incorporate the following notice into the consent decision to address any unforeseen easement matters.

“If a requirement for any easements for services, including private water supply pipes or private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.”

Infrastructure

The subject site has an existing connection to Council services, which are shown in Figure 5 below.

For stormwater, there is a 225mm stormwater pipe running from the recently demolished commercial building west towards the road where it connects to a 450mm concrete stormwater pipe beneath the footpath on the eastern side of the road. The 450mm stormwater pipe then runs south towards Oxford Street. The existing environment is characterised as having high percentage of impervious surfaces arising from the former tavern, existing carpark and access formations which assists in managing post development stormwater flows from the site.

With respect to wastewater, 150mm foul sewer runs at a depth of approximately 1.0m through the property. The sewer heads west from the former tavern to a manhole centrally within the site and then south-west to connect with the 300mm main in the road reserve. This 300mm sewer runs south down the centre of Hamilton Road at a depth of approximately 1.5m below the road surface level. A new sewer main will be constructed within the new road to be vested enabling each new unit to connect and to avoid the line being under any proposed buildings. It is proposed that this new main line will be vested in Council, where units will connect with separate services.

Within the Hamilton Street road reserve there is a 100mm water main. It tracks parallel to the road margin on the western side of Hamilton St. It is proposed a new water main will be installed within the new road corridor to be vested in Council. With regard to future water connections each lot will be serviced from an individual point of supply. The applicant is open minded to any discussion regarding the installation of water saving devices including low-flow showerheads, 6/3 dual flush toilets and aerated sink mixers.

In terms of the fire-fighting requirements specified by SNZ PAS 4509:2008 (NZ Fire Service Fire-Fighting Water Supplies Code of Practice), there are two fire hydrants within 130m of the site, each fed from the 100mm water main. As such, there is no requirement to provide a static supply for firefighting.



Figure 5 -Three Waters Services

Whilst the proposed lot sizes are smaller than that anticipated in the Plan the overall development yield is less than a typical subdivision in terms of demand on Council services. Council can take some confidence the overall development will comprise a combined 52 habitable rooms over the 24 sites. In terms of demand on the infrastructural network, it is my opinion the demand proposed will be less than a typical compliant development as described in the permitted baseline.

Overall, it is anticipated the lots can be fully serviced within the existing network capacity and will not have an adverse effect on the city's infrastructure. Subject to compliance with recommended conditions of consent, the adverse effects of the proposal on the town's reticulated infrastructure are assessed as less than minor.

Transportation

Hamilton Street is considered a Collector Road in the Council's Roading Hierarchy and features a 11.4m wide carriageway. Oxford Street is a Local Road in the Council's Roading Hierarchy and enjoys a 10.7m wide carriageway.

A new vested cul-de-sac road from Hamilton Street will be established serving Lots 1-15 and 22-24. This is best illustrated in the scheme plan and will include a 6.0m carriageway width (kerb to kerb) set within an 11.0m reserve. A 1.4m footpath will be provided along both sides. The cul-de-sac turning head will have a diameter of 19m (kerb to kerb) and will be capable of providing manoeuvring for a 8m rigid truck. The cul-de-sac road design complies with the Gore District Council *Subdivision, Land Use and Development Bylaw* in all respects, except for the overall reserve width. This is detailed further in the Integrated Traffic Assessment by Novo Group appended to this application.

Residential units within proposed Lots 16-21 will be served from an existing right-of-way (ROW) from Oxford Street. This will include a minimum trafficable width of 6.0m and a footpath along one side. Private ROW's are capped at a maximum of six units. A hammerhead turning design is provided at the far end consistent with the *Gore District Council Subdivision, Land Use and Development Bylaw*.

In terms of the demand on the Right of Way from Oxford Street the proposal will provide access to six new lots. This aligns with the maximum permitted for a private Right of Way. It is noted that should the landowners of #13C Oxford Street seek to develop that land, there will be additional demand that will likely require dispensation under the Bylaw.

With the exception of the residential units with proposed Lots 1 & 24 which have direct driveway access to Hamilton Street, all vehicles will be able to manoeuvre safely onto and off the cul-de-sac road or the right-of-way such that they can then approach either Hamilton Street or Oxford Street in a forward motion. Unit 1 and 24 will require a direct reverse manoeuvre onto Hamilton Street. Despite being assessed as a Collector Road, given the good lines of sight those vehicles will be able to reverse off with relative ease and in a safe manner.

Transportation movements tend to correlate with the number of habitable rooms within a development rather than the number of units. With that in mind, it is my opinion the breach in minimum site size/density is offset by the low number of habitable rooms overall, and the benefits received by creating a tighter community will not impact the safe and effective use of the transportation network.

Overall, it is my opinion the proposal is well considered in terms of providing a safe and functional environment for vehicles, pedestrians and cyclists. The ITA by Novo Group confirms the proposal is consistent or generally consistent with the Plan and Bylaw standards. Overall, the effects of the subdivision on the transportation network are assessed as less than minor.

Hazards

Potential risk of flooding comprises the greatest risk to the proposed development owing to the flat topography and Mataura River nearby. Whilst the river is bunded with a flood protection scheme, there remains a risk of inundation during extreme flood events. The subject site is identified as being land subject to actual or potential

inundation and is shown in the Figure 6 below. We understand Environment Southland is currently upgrading the Gore stop bank system which will further increase the flood protection standard to this area which is scheduled for completion in 2024.



Figure 6 -Subject Site and Flood Inundation Area (in Green)

In terms of mitigating inundation risk, the community development has been assessed and will adopt a series of floor levels offering a greater level of comfort to residents. The matter of floor level and risk will be assessed as part of the Land Use consent application, however from a subdivision perspective the risk of inundation has been quantified and appropriate mitigation in terms of floor level will be adopted.



Figure 7 -Development levels

At a local level, parts of the subject site include areas underlain by uncontrolled fill which will require an engineered solution. That fill is then underlain by alluvial sand and silt deposits to a depth of at least 2.2 m below the existing ground surface. A Preliminary Geotechnical Report by Geosolve found fill thicknesses tend to increase towards the west with uncontrolled fill and buried topsoil extending to a maximum depth of 0.5 m at the eastern end of the site. In other areas the depth of unsuitable soils range between approximately 1.1-1.7m in depth. All works will be engineered as part of the site development and will be undertaken under the supervision of a suitably qualified and experienced person. The site development works will be further assessed as part of the Building Consent process and the separate Land Use consent application.

Sediment and dust controls will be employed during the site works and the application offers conditions to this effect. The applicant also acknowledges their obligations under the Heritage New Zealand Pouhere Taonga 2014 Act should items of interest be uncovered during the site disturbance works.

With respect to soil contamination hazards, this has been assessed via a PSI and DSI and will be assessed in more detail as part of the Land Use consent.

Overall, it is considered that any effects arising from the natural hazards, soil contamination and earthworks can be adequately managed through conditions of consent such that these are no more than minor and the requirements of s106 can be met.

Amenity Values and Character

Residential activity is anticipated given the underlying zoning and will be explored in more detail as part of the land use assessment. In contrast, the site was previously occupied by the Longford Tavern, Bottle Store and Function Centre which presents a significant deviation from that anticipated in the zone.

Density controls are the primary method for controlling the effects of development on amenity and character values. The zoning provides for 19 lots each with a residential unit subject to performance standards for the zone. Despite the shortfall in area for each new residential unit, each will enjoy a favourable aspect with strong landscaping and design elements to provide a pleasant living environment.

Although a minimum site size of 400m² is specified for the Residential A zone, the development has been well considered in terms of strong design and landscaping controls. The subdivision of the units onto their own fee-simple sites will create no additional effects over and above that of a unit title development which would enjoy a simpler consenting pathway despite no perceptible change in terms of amenity or character.

In terms of the overall design, the community housing development will adopt a number of measures to create a pleasant living environment. The landscaping package provided by Novo Group offers some insight of the quality of the overall development. Design features such as the cul de sac formation and shared reserve (Proposed Lot 101) provide a sense of community. Landscaping and appropriate tree plantings will soften the built form and perception of closeness that may otherwise occur with small lot sizes.

With respect to character, the development whilst ambitious and atypical for the Gore District will appear consistent with the surrounding area and zone overall. Crucially, the site will be more consistent to that of the former use as a tavern, bottle store and function centre. Overall, it is assessed that the proposed development and subsequent subdivision will not adversely affect the amenity values of the area or introduce unexpected elements which will alter the character of the area.

Development Contributions

The development contributions policy will apply to the subdivision.

Summary of Adverse Effects on the Environment

Overall, the effects arising from the subdivision proposal are assessed as less than minor.

Objective and Policy Analysis

Objectives	Supporting Policies	Assessment
<p><u>Objective 4A.3.2</u> Minimise the risk to people and property from inundation.</p>	<p><u>Policy 4A.4.2</u> On sites subject to actual or potential flooding, promote: (a) identification and use of elevated ground for those activities that could be adversely affected by flooding; and (b) elevated floor levels within any buildings.</p> <p><u>Policy 4A.4.4</u> Within areas shown as "Subject to Actual or Potential Inundation" on the District Plan Maps the Gore District Council will:</p> <p>(a) with the exception of the urban area of Gore shown as lime green on the District Plan maps, refer all resource, subdivision and building consents to Environment Southland for comment prior to determining whether to approve or issue those consents. (b) in respect of any development in the urban area of Gore shown as lime green on the District Plan maps, encourage: (i) the adoption of flood proofing techniques or other measures to avoid the adverse effects of flooding on the activity, (ii) measures to avoid the adverse effects of the activity on other property during a flood. (c) in respect of areas of Mataura shown as red, lime green or purple on the District Plan maps, require any buildings accommodating people to be built with their floor levels at least 300 mm above the 1978 flood level. (d) in respect of areas of the District subject to actual or potential inundation as shown on the District Plan maps, other than those described in (b) and (c) above, require any buildings accommodating people to be built with their floor levels at least 600 mm above the level of past flooding or for sites for which there is no record of past flooding, 600 mm above ground level. (e) where any building consent is issued, the Gore District Council will, pursuant to section 73 of the Building Act 2004, notify the Registrar General of Land of that consent together with a project information memorandum identifying the natural hazard concerned.</p>	<p>This application relates to the subdivision component only, with the land use assessed as a separate application. The proposed development has been prepared in consultation with both Gore DC and Environment Southland staff, and the most recent LIDAR dataset. We are also conscious that the Mataura River floodbanks are to be raised providing greater flood protection.</p> <p>The site engineering and each respective dwelling will be designed cognisant of the potential flood risk providing an appropriate level of confidence in terms of the hazard potential.</p> <p>Overall, the proposal is considered generally consistent with this objective and these policies.</p>
<p><u>Objective 8.3.1</u> To facilitate the orderly subdivision and development of land.</p> <p><u>Objective 8.3.2</u> To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.</p> <p><u>Objective 8.3.5</u> To ensure land development and servicing is undertaken to Council's standards.</p> <p><u>Objective 8.3.6</u> To avoid adverse effects on the Council's reticulated infrastructure services.</p>	<p><u>Policy 8.4.1</u> Control the subdivision of all land.</p> <p><u>Policy 8.4.2</u> Avoid adverse effects of subdivision on the functioning of existing services, infrastructure and roading.</p> <p><u>Policy 8.4.3</u> Require works associated with subdivision to be carried out in conformity with Council's standards.</p> <p><u>Policy 8.4.4</u> Encourage, where practical, the undergrounding of all services associated with the development of subdivided land.</p>	<p>The proposal will not introduce a change to the existing neighbourhood beyond that generally anticipated by the zoning.</p> <p>The site was previously a tavern, bottle store and function centre which sits outside that anticipated in a residential environment. In contrast, the proposed development will adopt a well-considered design with a focus on strong design principles and landscaping.</p> <p>In terms of development density, the proposal is considered generally consistent with the</p>

<p><u>Objective 8.3.7</u> To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.</p>		<p>objective and policy given the density provides for 19 residential units of any dimensions. The proposal seeks to create 24 lots, with an overall number of 52 habitable rooms. Applying the permitted number of sites and residential units, this would equate to an average of 2.7 habitable rooms per units which sits below that anticipated in any development. The overall reduced number of habitable rooms effectively translates into reduced residential activity, pedestrian movements, vehicle movements which to some extent will sit consistent with that anticipated in the zone. By adopting multiple duplex across sites, the effects are further reduced and perception of those effects are softened given the more efficient use of the land for landscaping and outdoor living.</p> <p>Whilst it is accepted the minimum lot size will not be met, the effects of the baseline and smart design of the development makes the breach acceptable given the receiving environment.</p> <p>Overall, the proposal is considered generally consistent with this objective and policy.</p>
<p><u>Objective 8.3.8</u> Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.</p>	<p><u>Policy 8.4.5</u> Avoid any off-site effects of development of subdivided land.</p>	<p>The site has been developed with a clear expectation any effects are contained within the site. There is no risk of either the construction effects or the effects arising from the community housing to the water or groundwater networks.</p> <p>The proposal is therefore considered consistent</p>

Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent or generally consistent with those provisions set out in the District Plan.

Crucially, I note the policy framework does not provide any 'avoid' policy for over-dense residential activities arising from a breach of the minimum site, and therefore the Plan contemplates minor breaches provided there are adequate controls and design features. We consider this proposal is a good use of the site as a community housing development and is aligned with the intent of the policy framework.

Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Southland Regional Policy Statement (2017) was reviewed in respect of this proposal. No policies specifically relevant to this proposal were identified. Overall, the proposal is considered consistent with the Southland Regional Policy Statement.

Section 104D and S104(1)(c)

Whilst the proposal is a discretionary activity, it is nonetheless useful to consider how the proposal sits against Section 104D which provides some context to the breach of minimum lot size.

It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of the Plan. Whilst the proposal will result in a breach of the minimum site size and therefore density on an overall basis, the community housing development has adopted a number of mitigations to ensure the effects of those breaches do not create an imposition on the site or beyond. The average number of habitable rooms per site is 2.7, which is at an overall level considered low. This level translates into reduced demand on Councils services and also less activity over each residential unit and the overall development. The use of duplex over a number of sites assists in managing the effects of bulk which enables greater focus on landscaping and outdoor living for residents. To augment the shortfall, the shared reserve in proposed Lot 101 will provide a place to interact and recreate providing an emphasis on community. It is my opinion that the strong design, low number of habitable rooms over the site proper and landscape elements mitigate the density breach such that the effects are consistent with a permitted development which is anticipated in the zone. The proposed development will be a significant improvement in respect to the effects associated with the former tavern, bottle store and function centre.

With respect to the policy limb, whilst the proposal will create a breach of the minimum site size (and density assessed in the separate land use consent application) the proposal will at an overall level result in effects and resident activity below that anticipated in a complying development. A multi-unit development as a unit title would offer a simpler consenting pathway with the same effects, however this is not considered ideal in a community housing project. With respect to the objective and policy assessment, I note there is no avoid policy for a breach of the minimum site size and density, and therefore there is a clear policy pathway forward for what is a generally unique proposition to Gore for community housing. Whilst not immediately relevant to a discretionary activity, it is my opinion that the proposal meets both limbs of S104D.

For completeness, with respect to Section 104(1)(c), for non-complying activities the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. In this case, the proposal is discretionary because the subdivision will result in lots smaller than minimum site size. The development also fails the density provisions of the plan given the subject site can accommodate 19 lots for residential activity, whereas the proposal seeks to create 24 lots. Crucially to any assessment is the number of habitable rooms which correlates to the number of residents and activity within the development proper. Any permitted development could foreseeably result in 19 4-bedroom units which would be a greater imposition on the Council's services and will almost certainly result in great movements and activity of residents within the wider development. Accordingly it is my opinion the subdivision proposal is considered to be acceptable and will not undermine the integrity of the Proposed Plan.

There is a case to support the development be redesigned to reduce the development to the permitted 19 residential lots, however the proposal seeks to target demand for community housing and the needs of families be reflected in the configuration of each new unit. The proposal is mindful the demand of the community for smaller, efficient and well-designed units.

Overall, it is considered that the proposal will not undermine the integrity of the Plan should that be a relevant consenting assessment as the activity will produce only less than minor effects, if any, and will not set an undesirable precedent given the baseline. In terms of positive effects, the proposal introduces a number of positive effects relating to making an efficient use of the land for residential activity and the creation of smaller residential units focused on the needs of the community demand.

In any event no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities. This application, like previous applications are generally inconsequential in terms of threat to the plan integrity.

In my view this proposal does not offend the effects-based policies of the Plan noting there is no 'avoid' policy and the proposal is a discretionary activity.

Part 2 – Purpose and Principles

Part 2 of the RMA contains the purpose and principles. Consideration of applications for resource consent as a **discretionary** activity is subject to Part 2 of the RMA.

The purpose of the RMA is set out in Section 5 as being to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

For the reasons outlined in the assessments above, it is considered that the proposal is consistent with Section 5 of the RMA. Overall, the proposed development will be an efficient use of the site providing high quality community housing with a strong focus on landscaping outcomes. Overall, it is considered that the proposal will not compromise the life supporting capacity of air, water, soil and ecosystems within the receiving environment. It is also considered that the proposed uses are directly in keeping with Section 5 in that the provision of residential activity as proposed will enable people and communities to provide for their social, cultural and economic well-being.

Section 6 of the RMA sets out matters of National Importance and requires that these be recognised and provided for. These include natural character of the coastal environment, natural, landscape and heritage areas, significant indigenous vegetation and fauna and the relationship of Māori with their culture and traditions. It is considered that there are no matters of national importance (including acknowledging there is the wahi tupuna overlay identifying the site is within the cultural landscape) relating to this application.

Section 7 outlines the matters that must be considered when managing the use, development and protection of natural and physical resources, and includes the efficient use of natural and physical resources, and the

maintenance and enhancement of amenity values. The proposal is considered appropriate in this location, given the underlying zoning is supportive of the development given the community context.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that there are no matters relating to the Treaty of Waitangi relevant to this application.

Accordingly, it is concluded that the proposed development is consistent with the purpose of the RMA in relation to managing the use, development, and protection of natural and physical resources.

Special Circumstances

Special circumstances have been defined by case law (in the context of whether special circumstances exist to require the public notification of an application) as "outside the common run of things which is exceptional, abnormal or unusual, but less than extraordinary or unique.

A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification." (Far North DC v Te Runanga-aiwi o Ngati Kahu [2013] NZCA 221).

In this case, no special circumstances exist to warrant notification on either the basis of

- the permitted baseline,
- that many units will take the form of a duplex maximising the use of the land,
- the number of habitable rooms,
- the extent of bulk and impervious surfaces, outdoor living area and parking, and
- there is no 'avoid' policy in the Residential A or Subdivision provisions with respect to minimum site size or density.

We suggest neither aspect establishes a special circumstance that warrants public notification.

Positive Effects

Section 3 of the Act defines the meaning of "effect", which includes any positive effects. Whilst consideration cannot be taken into account by a consent authority to consider positive effects when making a decision to notify, positive effects can be weighted as part of an overall assessment. In this case, the proposal includes a number of positive effects by creating a high-quality development for community housing consistent with the focus of Kāinga Ora.

Bundling of applications

In circumstances where there are multiple applications, the council must decide whether to treat a proposal as a number of separate activities or as one overall activity. Bundling resource consent activities is generally considered appropriate where the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated.

In this case resource consents for the subdivision and the associated development/ land use are being sought as separate consent applications.

Affected Parties

No parties are considered affected by this proposal given the permitted baseline.

Notification

With regard to notification:

- The applicant does not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- Given the context, there are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed that the effects of the proposal on the wider environment are less than minor.

Conclusion

Resource consent is sought to create a 24-lot residential development which is a discretionary activity in the Gore District Plan. The proposal is assessed as consistent or generally consistent with the relevant objectives and policies of the District Plan and other relevant planning instruments and will result in effects that are no more than minor.

It is respectfully requested that consent be granted to this proposal on a non-notified basis. If you have any questions arising from this assessment, please do not hesitate to contact me for clarification.

Yours faithfully,
Terramark Ltd



Darryl Sycamore
Resource Management Planner